IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

MISC. PETITION NO. 60 OF 2004

Shri Jathya Halya @ Nakhwa @ Worlikar .. Deceased

Shri Raghunath Shravan Halya alias
Nakhwa alias Worlikar .. Petitioner

Versus

Mrs. Lilabai Ramchandra Vaity & Anr. Respondents

Shri Nitin V.Gangal for the petitioner.

CORAM: S.K.SHAH,J.

DATE : 5th May,2005.

P.C.

1. This Petition is filed for getting Heirship Certificate in respect of the two properties bearing Cadastral Surey No. 614 and 615 situate at Worli Village, Mumai. As mentioned in the Extract of Survey Reister, these two properties are shown to be in possession of Jathya Halya as Fazandar tenant. This Jathya Halya is the grandfather of the petitioner. The petitioner has filed an affidavit mentioned

therein that this Jathya Halya the petitioner's grandfather died somewhere in 1902 and no record is available with regard to his death.Shravan Jathya was the father of the petitioner and son of Jathya, who died on 2.6.1947. The death certificate is produced at Exhibit "A". Sonabai was the petitioner's mother i.e. wife of Shrawan. She died on 16.4.1998 and the death certificate is produced at Exhibit "C". As per the School Leaving Certificate produced at Exhibit "E", the petitioner is the son of Shravan Jathya and Sonabai Shrawan. Shrawan and Sonabai also have two daughters besides this son, who is the petitioner. Both the daughters have filed consent affidavit dated 21st October, 2004 consenting for issuance of Heirship Certificate in respect of the petitioner and the two daughters. Both the properties are in possession of the petitioner.

2. The Citation has been published and no one has taken any objection nor filed caveat.

3. Under the circumstances, the Petition is allowed. The Heirship Certificate shall be issued as prayed for.

Petition stands disposed of.

(S.K.SHAH,J.)